

REMARKS

Claims 1, 3-8 and 10-20 are pending in the application. Claims 1, 4, 6-8, 11, 13-15, 17, and 19-20 are rejected and claims 3, 5, 10, 12, 16, and 18 are objected to. By this Amendment, claims 3, 10, and 16 are cancelled, claims 1, 8, and 15 are amended, and new claims 21-32 are added. Accordingly, claims 1, 4-8, 11-15, and 17-20 remain in the application and are presented for review and further consideration by the Examiner, along with new claims 21-32.

The Examiner has rejected claims 1, 4, 6-8, 11, 13-15, 17 and 19-20 under 35 U.S.C. §103(a) as being unpatentable over Hoffberg, et al., U.S. Published Application 2002/015992, in view of Wade, et al., U.S. Patent No. 5,552,776. (Examiner's Action, page 2, ¶ 4). The Examiner further states that claims 3, 5, 10, 12, 16, and 18 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims (Examiner's Action, page 2, ¶ 2).

In response, Applicants have amended independent claims 1, 8, and 15 to include the limitations of claims 3, 10, and 16, respectively.

As the Examiner has indicated, neither Hoffberg nor Wade teaches reading an enduring usage data from an enduring record in the index having enduring unique device identification matching the recorded unique device identification and calculating a difference in usage data from the enduring usage data and the recorded usage data.

In contrast, Applicants' independent claims 1, 8, and 15, as amended, include wording that an enduring usage data is read from an enduring record in the index having enduring unique device identification matching the recorded unique device identification and a difference in usage data is calculated from the enduring usage data and the recorded usage data. Neither Hoffberg nor Wade discloses these limitations.

Furthermore, new claims 21, 25, and 29 represent claims 5, 12, and 18, respectively, rewritten in independent form including all of the limitations of the base claims.

As the Examiner has indicated, neither Hoffberg nor Wade teaches that updating the index with the recorded device usage data includes updating enduring device data from an enduring record in the index having enduring unique device identification matching the recorded unique device identification.

In contrast, Applicants' independent claims 1, 8, and 15, as amended, include wording that updating the index with the recorded device usage data includes updating enduring device data from an enduring record in the index having enduring unique device identification matching the recorded unique device identification. Neither Hoffberg nor Wade discloses these limitations.

In view of Applicants' arguments and amendments with respect to independent claims 1, 8, and 15 being allowable, Applicants respectfully submits that the remaining dependent claims are also allowable because they contain all of the limitations of their respective independent claims and further add structural and functional limitations.

The foregoing amendments and arguments are believed to be a complete response to the most recent Examiner's Action.


No new matter has been added.

It is respectfully submitted that there is no claim, teaching, motivation, or suggestion in any of the prior art cited, alone or in combination, to produce what Applicants claim.

It is further submitted that the application, as amended, defines patentable subject matter and that the claims are in a condition for allowance. Such allowance at an early date is respectfully requested.

Should any issues remain which would preclude the prompt disposition of this case, it is requested that the Examiner contact the undersigned practitioner by telephone.

Respectfully submitted,
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